

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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VENTURE GROUP ENTERPRISES, INC., :
: Plaintiff, : 20-CV-4095 (RA) (OTW)
: :
: -against- : **ORDER**
: :
: VONAGE BUSINESS INC. *formerly known* :
: as VONAGE BUSINESS LTD., :
: :
: Defendant. :
: :
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ONA T. WANG, United States Magistrate Judge:

The Court has reviewed ECF 76 and ECF 77. Vonage's request to compel "full versions" of the call recordings referenced in ECF 70 at 2 is DENIED. The Court further declines to consider an award of costs, since it appears that Vonage took no steps to obtain the "full versions" from the "verification vendor," nor did it seek to ascertain whether "full versions" in fact exist. The parties are warned that a motion to compel discovery that does not exist might be considered a motion that was not "substantially justified" under Fed. R. Civ. P. 37(a)(5)(B).

SO ORDERED.

Dated: February 22, 2021
New York, New York

s/ Ona T. Wang
Ona T. Wang
United States Magistrate Judge